



Missouri Department of Natural Resources

Clean Water Commission Water Protection Program

Meeting Minutes

June 2, 2004

MISSOURI CLEAN WATER COMMISSION MEETING

June 2, 2004

Capitol Plaza Hotel

415 W. McCarty St.

Jefferson City, Missouri

MINUTES

Present

Thomas A. Herrmann, Chairman, Missouri Clean Water Commission

William A. Easley, Missouri Clean Water Commission

Paul E. Hauser, Missouri Clean Water Commission

Kristin Perry, Missouri Clean Water Commission

Cosette Kelly, Missouri Clean Water Commission

Michael Alesandrini, St. Louis RCGA, French Village, Missouri

Darrell Barber, Department of Natural Resources, Jefferson City, Missouri

Robert Brundage, Newman, Comley & Ruth, Jefferson City, Missouri

Bill Bryan, Attorney General's Office, Jefferson City, Missouri

Simon Buckner, Bartlett, Kansas City, Missouri

Aimee Davenport, Department of Natural Resources, Jefferson City, Missouri

Cindy DiStefano, Department of Conservation, Columbia, Missouri

Tim Duggan, Attorney General's Office, Jefferson City, Missouri

Joe Engeln, Department of Natural Resources, Jefferson City, Missouri

Tom Engle, Duckett Creek Sanitary District, St. Peters, Missouri

Harry Gallagher, American Petroleum Institute, Jefferson City, Missouri

Doug Garrett, Department of Natural Resources, Jefferson City, Missouri

Ed Gass, City of Pacific, Pacific, Missouri

Peter Goode, Department of Natural Resources, Jefferson City, Missouri

Thomas Gredell, Peerless Landfill, Inc., Jefferson City, Missouri

Bob Hentges, MO Public Utility Alliance, Jefferson City, Missouri

Jim Hull, Department of Natural Resources, Jefferson City, Missouri

Michael Katzman, Kansas City Power & Light, Kansas City, Missouri

Sallie Keeney, REGFORM, Jefferson City, Missouri

Duane Kelly, Independence, Missouri

Dave Kindelspire, Department of Natural Resources, Jefferson City, Missouri

Malinda King, Department of Natural Resources, Jefferson City, Missouri

Marlene Kirchner, Department of Natural Resources, Jefferson City, Missouri

Mary Lappin, Kansas City MO Water Services, Kansas City, Missouri

Richard Laux, Department of Natural Resources, Jefferson City, Missouri

John Lodderhose, Wet Weather Stakeholders, St. Louis, Missouri

Kelly Mahon, Department of Natural Resources, Columbia, Missouri

James Merciel, MO Public Service Commission, Jefferson City, Missouri

Susan Myers, Urban Areas Coalition, St. Louis, Missouri

Charles Mobley, City of O'Fallon, O'Fallon, Missouri

Kevin Mohammadi, Department of Natural Resources, Jefferson City, Missouri
Kenneth Morgan, City of O'Fallon, O'Fallon, Missouri
Steve Morgan, Bartlett Grain Company, Kansas City, Missouri
Caitlyn Peel, St. Louis HBA, St. Louis, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
Tony Petrusa, US EPA Region 7, Kansas City, Kansas
Franklyn Pogge, K.C. MO Water Services, Kansas City, Missouri
Peter Price, Department of Natural Resources, Rolla, Missouri
Amy Randles, Attorney General's Office, Jefferson City, Missouri
John Reece, Little Blue Valley Sewer District, Independence, Missouri
Rickie Roberts, Gredell Engineering, Bridgeton, Missouri
Danny Rowatt, URS Corporation/City of Pacific, St. Louis, Missouri
Candy Schilling, Department of Natural Resources, Jefferson City, Missouri
Becky Shannon, Department of Natural Resources, Jefferson City, Missouri
Phil Schroeder, Department of Natural Resources, Jefferson City, Missouri
Carrie Schulte, Department of Natural Resources, Jefferson City, Missouri
Cynthia Smith, Department of Natural Resources, Jefferson City, Missouri
Royan Teter, US EPA Region 7, Kansas City, Kansas
Scott Totten, Department of Natural Resources, Jefferson City, Missouri
Ron Urton, Village of Ludlow, Chillicothe, Missouri
Gus Wagner, Senator Dan Clemens' Office, Jefferson City, Missouri
R. B. Welty, Cape Girardeau, Missouri
Jack Woods, Village of Ludlow, Ludlow, Missouri
Betty Wyse, Department of Natural Resources, Jefferson City, Missouri

Administrative Matters

Call to Order/Introductions

Chairman Herrmann called the meeting to order at approximately 9:10 a.m. and introduced Commissioners Easley, Perry, Hauser, and Kelly. Commissioner Minton was absent. Chairman Herrmann then introduced Director of Staff Jim Hull, Assistant Attorney General Amy Randles, and Secretary Marlene Kirchner.

Adoption of April 5, 2004 Clean Water Commission Teleconference Minutes

Chairman Herrmann asked if there were any additions or corrections to the minutes. Hearing none, Chairman Herrmann entertained a motion to accept the minutes and enter them into record.

Commissioner Kelly moved to accept the April 5, 2004 Clean Water Commission Minutes. Commissioner Perry seconded the motion. Commissioners Kelly, Perry, and Chairman Herrmann voted yes. Commissioners Easley and Hauser abstained.

Adoption of April 28, 2004 Clean Water Commission Minutes

Chairman Herrmann reported he had some changes to the April 28, 2004 Clean Water Commission Minutes. On page 15 of the minutes it states "Chairman Herrmann replied the 2000 Census reflects 2,004 reported." It should state "...204 reported."

Page 15 of the April 28 minutes also states "Chairman Herrmann replied that is part of the 55 mile classified of Schoal Creek." It should read "Chairman Herrmann asked who draws drinking water supply from Schoal Creek? Staff replied Chillicothe." After the April 28 meeting Chairman Herrmann checked the Census and that is incorrect as Chillicothe is noted as using wells. Drinking water supply should be deleted from Schoal Creek.

Chairman Herrmann went on to say that on pages 17 and 21 of the April 28 minutes, the Natural Resources Conservation Service (NRCS) and Use Attainability Assessment Protocol (UAA) will need to be discussed further at the June 2, 2004 meeting.

Chairman Herrmann asked if there were any other corrections or additions to the minutes. Hearing none, Chairman Herrmann entertained a motion to accept the minutes and enter them into record.

Commissioner Hauser moved to accept the April 28, 2004 minutes with the changes noted. Commissioner Easley seconded the motion. The motion passed unanimously, with all Commissioners voting.

Fiscal Year 2005 Intended Use Plan (IUP) – Final Action

Ms. Carrie Schulte from the Financial Assistance Center reported the draft Fiscal Year 2005 IUP dated March 26, 2004, has been updated with the requested changes received as part of the hearing process for proposed projects, new or updated information regarding available funds, and changes in some of the document's text. The new IUP reflecting these changes is dated June 1, 2004.

Ms. Schulte reported on project updates. On April 28, 2004, at the Clean Water Commission public hearing, two communities spoke. The City of Pacific requested an increase in the amount of their application from \$1.2 to \$2.1 million, due to design changes and the absence of grant funding. The City of Noel requested their project be moved from the Contingency List to the Fundable List. They had met the required criteria. They had passed a bond issue and submitted an approved facility plan.

Written comments were received from the Metropolitan St. Louis Sewer District (MSD) on April 29, 2004. They requested that the West Watson/Nanell Subdistrict Sewer Construction Project on the Nonpoint Source Direct Loan List be listed, that the Lower Meramec Lift Station and Electrical Supply projects from the IUP be removed, and that the Coldwater Treatment Plant Improvements Project be listed on the Fundable Projects List. This project meets the required criteria.

Ms. Schulte reported on available funds revisions. The anticipated transfer from Drinking Water to Clean Water was removed from the Source of Funds page. The Drinking Water State Revolving Fund does not currently have the available funds. The Water Protection Program has received requests for more than they have in available funds.

The Source of Funds was updated to reflect the final 2004B Spring Closing numbers. The \$1,341,700 transfer from the Construction Grants program is not available as EPA originally advised. The amount available is \$71,100. This revision caused a short fall of available funds for the Fundable Project's list. Therefore, a Fundable Projects Contingency List was created. The MSD Coldwater Treatment Plant project, being the project with the least amount of priority points, has been moved to the Fundable Projects Contingency List until such time funds are available.

Ms. Schulte reported on text changes. Based on the initial review of comments received on May 28, 2004 from EPA, a few changes were made to the text that helps with clarification. The department will continue to review their comments, but don't expect there to be any major changes.

The Water Protection Program recommended the Clean Water Commission adopt the Fiscal Year 2005 Intended Use Plan.

Commissioner Hauser moved to accept the Fiscal Year 2005 Intended Use Plan. Commissioner Kelly seconded the motion. The motion passed unanimously, with all Commissioners voting.

2004 B Bond Pool

Ms. Betty Wyse, Chief of the Financial Assistance Center, reported to the Commission the spring leveraged loan bond pricing occurred on May 10 and 11, 2004. Seven communities and sewer districts, including MSD, participated in this \$179.8 million pool. The market was quite volatile, but interest rates on the bonds are still relatively low, with an average bond interest rate of 4.67%. Reduced by 70% subsidy, and .1% administration fee, participants' total interest rate will be 1.9%. Closing occurred May 28.

Participants were Boone Co. \$1.095 million, Columbia \$650 thousand, Moberly \$7.15 million, Odessa \$6 million, MSD \$161.3 million, Pineville \$550 thousand, and Brookfield \$3.06 million.

Use Attainability Assessment Protocol (UAA)

Chairman Herrmann referenced page 21 of the April 28, 2004, Clean Water Commission minutes where Ms. Randles states "she doesn't think the department needs legislation stating whether it has to be a rule or not."

Chairman Herrmann and Commissioner Perry requested an opinion about whether the Commission has to adopt a UAA Protocol as a rule before enforcing it. Ms. Randles advised that any advice she gives in open session will not be privileged, and asked whether the Commission would prefer to receive the advice in closed session. Chairman Herrmann indicated that Ms. Randles should proceed in open session.

Ms. Randles advised the Commissioners that whether they need to promulgate the UAA Protocol as a rule will depend upon how they intend to use it. One way that a UAA Protocol could be used is merely as a tool for assisting the department or the public in the collection of information. If this is how a UAA Protocol is to be used, i.e. the department and the public are not going to be required to use protocol forms and procedures and the department will be giving information about the attainability of uses on particular waterbodies to the Commission even where the UAA Protocol suggests that such information should not be considered, the Commission will certainly be able to make determinations about particular waterbodies on a case by case basis, just as they could if the Commission did not have a protocol. On the other hand, if the Commissioners intend to rely on conformance with a protocol in making determinations about particular waterbodies, the best approach would be to promulgate the protocol as a rule first.

Chairman Herrmann moved that staff presents a protocol similar to the Kansas UAA Protocol for promulgation by rule at the August meeting, and do UAA's on an individual basis pending final promulgation of a rule adopting the protocol. Commissioner Hauser seconded the motion. The motion passed unanimously, with all Commissioners voting.

Duckett Creek Variance – Final Action

Mr. Richard Laux, from the Permits and Engineering Section, reported the Duckett Creek Sanitary District had applied for a variance from 10 CSR 20-7.015(5)(A). That section of the rule prohibits most new discharges to “Metropolitan No-Discharge” streams such as part of Dardenne Creek. The district is proposing a new discharge to a section of Dardenne Creek currently classified as a “Metropolitan No-Discharge” stream in 10 CSR 20-7.015.

The Clean Water Commission granted preliminary approval at their March 10, 2004 meeting with the three following conditions:

- 1) The proposed variance receives public notice in the area.
- 2) The permit will contain limitations reflecting advanced treatment and disinfection.
- 3) The permit will contain in-stream monitoring.

The Commission directed staff to public notice their intention to approve the variance with the conditions. Two public comment letters were received and reviewed.

Staff recommended the Commission grant final approval of the variance, subject to the same conditions that were attached to the preliminary approval.

Mr. Kenneth Morgan, City of O'Fallon; and Mr. Tom Engle, Duckett Creek Sanitary District, spoke in favor of the variance.

Commissioner Hauser moved to accept the staff's recommendation on the Duckett Creek Variance. Commissioner Perry seconded the motion. The motion passed unanimously, with all Commissioners voting.

Peerless Park Variance – Final Action

Mr. Richard Laux reported Integrated Services, Inc. had applied for a variance seeking relief from 10 CSR 20-7.015 (9) (G). That section of the regulation requires the department to set limitations on industrial sites using federal effluent guidelines or "best professional judgement."

The Clean Water Commission granted preliminary approval at their March 10, 2004 meeting with the three following conditions:

- 1) The proposed variance receives public notice in the area.
- 2) The existing effluent limitations and monitoring will remain on any direct discharge, but discharges to a specific fill area on the site will not have limitations on solids.
- 3) The variance should end when the Corps of Engineer permit to fill the wetland area expires in 2007.

The Commission directed staff to public notice their intention to approve the variance with the conditions. No comments were received during the public comment period.

Staff recommended the Commission grant final approval to the variance, subject to the same conditions that were attached to the preliminary approval.

Commissioner Easley moved to accept the staff's recommendation on the Peerless Park Variance. Commissioner Perry seconded the motion. The motion passed unanimously, with all Commissioners voting.

Village of Ludlow Variance – Final Action

Mr. Richard Laux reported Village of Ludlow had applied for a variance seeking relief from 10 CSR 20-7.015(8)(B)(3). That portion of the rule requires standard secondary treatment limits (30/30) for Biochemical Oxygen Demand and Total Suspended Solids unless a water quality impact study is completed which shows that alternate, less stringent limitations will not cause violations of the Water Quality Standards or impairment of the beneficial uses of the receiving stream.

The Clean Water Commission granted preliminary approval at their April 28, 2004 meeting with the two following conditions:

- 1) The permit should include in-stream monitoring to assess whether the lagoon adequately protects the receiving stream.
- 2) The permit should include a “reopener clause” allowing the permit to be reopened should the lagoon not adequately protect water quality and the beneficial uses of the receiving stream.

The Commission directed staff to public notice their intention to approve the variance with the conditions. No comments were received during the public comment period.

Staff recommended the Commission grant final approval to the variance, subject to the same conditions that were attached to the preliminary approval.

Chairman Herrmann reported because of population, Shoal Creek is not a drinking water supply and does not need to be protected for that use. Chillicothe is on wells.

Commissioner Kelly moved to accept the staff’s recommendation on the Village of Ludlow Variance. Commissioner Perry seconded the motion. The motion passed unanimously, with all Commissioners voting.

Bartlett Variance – Final Action

Mr. Richard Laux reported Bartlett Country Elevators, LLC had applied for a variance seeking relief from 10 CSR 20-8.500, which addresses criteria for the design, construction and operation of secondary and operational area containment structures at bulk agrichemical facilities.

The Clean Water Commission granted preliminary approval at their April 28, 2004 meeting with the two following conditions:

1. The variance should be granted for no greater than a five-year period corresponding to the term of the site permit. That permit includes requirements for groundwater monitoring (should leakage be suspected) and requires that the permittee have provisions to transfer liquids from the containment area in case of a leak or failure of the tank.
2. The results of the every other year integrity testing are submitted to staff for review with the discharge monitoring reports for the facility.

The Commission directed staff to public notice their intention to approve the variance with the conditions. No comments were received during the public comment period. The Commission approved the previous variance request. The conditions in the previous variance appear to be adequate to protect water quality.

Staff recommended the Commission grant final approval to the variance, subject to the same conditions that were attached to the preliminary approval.

Commissioner Perry moved to accept the staff's recommendation on the Bartlett Variance. Commissioner Kelly seconded the motion. The motion passed unanimously, with all Commissioners voting.

Montrose Generating Station Variance – Staff Recommendation

Mr. Richard Laux reported on April 12, 2004, a Variance Application and fee were received from Kansas City Power & Light Company (KCP&L) regarding their Montrose generating station in Henry County. The application is seeking relief from 10 CSR 20-7.015 (3) (B), which sets the effluent limitations for discharges into certain lakes in Missouri. The applicant operates a lagoon system at this plant and discharges effluent into the “intake canal” through the cooling water system and then via the discharge canal into Montrose Lake, waters of the state. The applicant has previously been granted a five year variance to continue the use of this “equivalent to” secondary treatment system.

Staff members investigated the request and offered the following findings:

- 1) The lagoon appears to be near the end of its 20-year design life. It has a relatively low flow and has had compliance issues in the past, but no recent violations have been reported.
- 2) The costs associated with a proper secondary system with disinfection do not seem beyond the fiscal capabilities of the applicant.
- 3) The proposal depends solely on dilution to protect water quality, but this discharge at least in theory may occur during plant shutdowns or maintenance activities when little if any dilution is available.

Staff recommended the Commission grant preliminary approval of this request, but only under the following conditions:

- 1) The facility must be replaced with an acceptable secondary system meeting “lake effluent limitations” (including disinfection and dechlorination if applicable) within two years.
- 2) The discharge from the new facility should be discharged to the discharge channel, or directly to the lake, not to the intake channel.

Staff would public notice the preliminary approval if granted and brief the Commission on any comments received prior to asking for final action at the August meeting.

Mr. Michael Katzman from KCP&L spoke to the Commission urging them to approve the variance.

Chairman Herrmann stated disinfection and dechlorination may not be required.

Mr. Katzman replied it was the company's decision to do it.

Commissioner Kelly moved to accept the department's recommendation regarding the KCP&L Montrose Generating Station Variance Application. Commissioner Hauser seconded the motion. The motion passed unanimously, with all Commissioners voting.

Eagle Woods Homeowners Association Variance – Staff Recommendation

Richard Laux reported on April 21, 2004 the department received a revised Variance Application from the Eagle Woods Homeowners Association, Inc. The application requests relief from the "Continuing Authority" requirements of 10 CSR 20-6.010. Accompanying the application is an application for a Construction Permit for a new facility to serve the subdivision. Staff has investigated the request and offers the following findings:

- 1) The existing Continuing Authority, a Public Service Commission (PSC) certificated company (Osage Water Company), has reportedly filed for bankruptcy and according to the Variance Application, has not provided the necessary treatment facilities to serve the subdivision. The dispute over services appears to have been going on for quite sometime.
- 2) The homeowners association has not been able to obtain a "waiver" from Osage Water Company; the higher Continuing Authority as referenced in the rule. Thus the application submitted is incomplete in accordance with the rule.
- 3) The homeowners association would appear to constitute an acceptable Continuing Authority if a PSC certificated company or other higher Continuing Authority did not exist.

Staff recommended the Commission grant preliminary approval, contingent on the following:

- 1) The PSC certificate issued to Osage Water Company is withdrawn or otherwise invalidated by the PSC, and no other "higher" Continuing Authority exists (or such authority issues a "waiver"), or
- 2) The Eagle Woods Homeowners Association, Inc. obtains a certificate from the PSC to serve the area.

Staff would public notice the preliminary approval if granted and brief the Commission on any comments received prior to asking for final action at the August meeting.

Commissioner Easley moved to accept the department's recommendation regarding the Eagle Woods Homeowners Variance Application. Commissioner Kelly seconded the motion. The motion passed unanimously, with all Commissioners voting.

Staff Updates

Wet Weather Stakeholders Workgroup Update

Mr. Jim Hull asked the Commission to table the Wet Weather Stakeholders Workgroup Update until after the closed session.

Commissioner Easley made a motion to table the Wet Weather Stakeholders Workgroup Update until after the Commission completes its closed session. Commissioner Hauser seconded the motion. The motion passed unanimously, with all Commissioners voting.

Permitting Update

Mr. Peter Goode, Chief of Permits and Engineering, reported the permit backlog has not been reduced over the past few months. The Water Protection Program is working with EPA Region VII to get some technical assistance on some of the major source permits that are on the backlog. The program will be developing criteria to determine priority permits and seeking help from EPA on these. EPA will be hiring one FTE and possibly two part time staff to assist Region VII states with permits. This assistance should help cut into the existing permit backlog.

Public Comment and Correspondence

Mr. R. B. Welty from Cape Girardeau, Missouri expressed his concern over a problem he is having with the White Water Flood River Plain. He explained his family has been cultivating a wetlands preserve on his land for three generations. A neighbor has made modifications to the Whitewater River's banks and drained Mr. Welty's 27 wetland acres. The neighbor built a ditch and a levee system along the Whitewater River to increase cropland acreage. The levee spills floodwaters from Whitewater River onto Mr. Welty's property, cutting off access to large sections of his land.

Mr. Welty is disappointed that he has received no assistance from state and federal agencies to help him protect and restore the wetlands on his property. The US Department of Agriculture, Department of Natural Resources, US Army Corps of Engineers, and the US Environmental Protection Agency have all told Mr. Welty there is nothing they can do. Mr. Welty claims he has the support of the Sierra Club. He stated no one else wants to help him or will communicate with him.

Chairman Herrmann gave direction to have Ms. Amy Randles of the Attorney General's Office determine if the Clean Water Commission has any jurisdiction in this area. At that point Ms. Randles will advise the department. If the Commission has jurisdiction, Department of Natural Resources' staff will investigate complaints and get in touch with Mr. Welty. The Commission would like an update at the next meeting.

Innovative Waste Treatment Implementation at Premium Standard Farms (PSF) Facilities Update

Mr. Bill Bryan with the Attorney General's Office gave an update on the innovative waste treatment implementation at PSF facilities. Premium Standard Farms, Inc., and Conti-Group Companies, Inc. (CGC) constructed swine production facilities in the 1990s utilizing standard anaerobic lagoons for the storage and treatment of effluent and traveling irrigation sprayers for the application of effluent on farm fields in accordance with then-existing industry standards and state guidelines. A Management Advisory Team was established to oversee and assist PSF and CGC with the development and implementation of Next Generation Technology. The process has resulted in reducing the use of traveling irrigation sprayers by more than 90%, successful testing and implementation of numerous scientifically advanced technologies, extensive air quality data collection and analysis, and detailed water quality sampling and analysis.

PSF and CGC constructed an Advanced Nitrification and Denitrification and wastewater treatment system at a 70,000 animal finishing operation. The Management Advisory Team has endorsed two pilot alternatives – Crystal Peak Fertilizer and Water Reuse – as Next Generation Technology. PSF and CGC have invested more than \$12 million in research, development, implementation, and monitoring of new technologies.

Joe Englen with DNR's Director's Office reviewed the new consent judgment schedule. Chairman Herrmann indicated that the Commission saw the Homen Farm. Mr. Bryan stated that the Homen Farm had the test version of the Crystal Peak Farm's process. The full implementation of Crystal Peak Farm is planned for Valley View. He commented that the Valley View plans looked like an industrial refinery.

Budget and Legislative Discussion

Mr. Scott Totten, Director of the Water Protection and Soil Conservation Division reported on Senate Bill 901, which is the transfer of Underground Storage Tanks to the Hazardous Waste Commission; Senate Bill 1155, which modifies the Missouri Rural Economic Stimulus Authority; Senate Bill 1020, which revises provisions of the Sunshine Law; House Bill 980, which is the State Revolving Fund Hancock Exclusion Regulatory Impact Report; House Bill 1177, which is the Concentrated Animal Feeding Operations (CAFO); and House Bill 1433, which authorizes the creation of a watershed improvement district in the Upper White River Basin.

Mr. Totten mentioned the Waste Tire Fee was not approved. Commissioner Perry asked about the Administrative Hearing Commission Bill. Mr. Totten replied it was not approved.

Mr. Hull stated the department will initiate CAFO rulemaking again. The department wants to bring its rules into compliance with federal rules. The Letters of Approval program is being phased out. The permit fees for water pollution and drinking water expires in 2007. The department will be asking for an extension or restructuring.

Other

Chairman Herrmann discussed the Water Quality Standards being modified. 10 CSR 20-7.031(1)(C)9, which is the definition for boating and canoeing, should include fishing, wading, and boating, and not to float or swim in the water body.

Ms. Randles stated she would like to provide the Commissioners with some legal advice on the issue before the Commission takes any action.

Commissioner Perry made a motion to go into closed session. Commissioner Easley seconded the motion. The motion passed unanimously, with all Commissioners voting.

Commissioner Perry made a motion to come out of closed session. Commissioner Kelly seconded the motion. The motion passed unanimously, with all Commissioners voting.

UAA Protocol

After the closed session, there was a second vote on the UAA's.

Commissioner Perry made a motion to have the department proceed with filing a proposed rule for a UAA Protocol like the one used in Kansas. Commissioner Hauser seconded the motion. The motion passed unanimously, with all Commissioners voting.

Water Quality Standards

At the Commissioners request, Ms. Randles read Chairman Herrmann's proposed amendment to 10 CSR 20-7.031(1)(C)9. If adopted, the definition for "boating and canoeing" would be deleted and the following substituted therefor:

Uses include fishing, wading, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the waterbody. These recreational activities may result in contact with the water that is either incidental or accidental and the probability of ingesting appreciable quantities of water is minimal.

Chairman Herrmann entertained a motion to include this language in the printed copy of the Water Quality Standards for final adoption. The Joint Committee on Administrative Rules and the Secretary of State's Office will be part of the public hearing process.

Commissioner Perry made a motion to modify 10 CSR 20-7.031(1)(C)9 with the language read by Ms. Randles. Commissioner Hauser seconded the motion. The motion passed unanimously, with all Commissioners voting.

Wet Weather Stakeholders Workgroup Update

Mr. John Lodderhose of the Wet Weather Stakeholders group reported the stakeholders met on May 4. He discussed the proposed policy for applying water quality standards to

wet weather conditions. There are three conditions. 1) The High Flow Exemption for Whole Body Contact Recreation should be based on measurable and observable conditions that document when the stream is unsafe for recreational use. 2) Site-specific wet weather water quality standards for protecting aquatic life should be allowed for intermittent discharges. 3) Different effluent limitations should be established for intermittent discharges during periods of wet weather.

Chairman Herrmann stated he would like for the workgroup to be continued, and to expand and solicit assistance from EPA. He would then like to workgroup to come back to the Commission with a recommendation for their consideration.

Future Meetings

The next meeting scheduled for the Clean Water Commission is August 4, 2004 in St. Louis. The Commission will meet again September 22 in Kansas City. There was discussion of having a joint meeting with the Safe Drinking Water Commission in November in Springfield.

Respectfully submitted,

Jim Hull
Director of Staff